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Arnold Schwarzenegger
Governor

November 9, 2006

To All Interested Parties:

The Department of Toxic Substances Control (DTSC) will conduct a public workshop to solicit input on the development of draft regulations for:

Waste Code Revision (WC)

The workshop will be held at the following time and place:

Date: December 11, 2006
Time: 9:00 AM
Location: Cal/EPA Building
Byron Sher Auditorium, 2nd floor
1001 "I" Street
Sacramento, California 95814

Note: Visitors must check in with security upon entering the Cal/EPA building.

DTSC representatives will summarize the proposed draft regulatory language, discuss regulatory issues related to this rulemaking, and offer alternatives. After introductions and a short presentation, DTSC will solicit comments and suggestions from workshop attendees.

The purpose of this workshop is to develop draft regulatory language that would revise the waste code system for hazardous wastes. Information and comments received will be used to develop draft regulatory language that will be presented for comments during a public notice. DTSC will, therefore, not prepare written responses to comments submitted during or in response to this workshop.

Background

These proposed draft regulations are being proposed to comply with AB 241 (Chapter 401, Statutes of 1999), which has been codified as Health and Safety Code section 25160.1. This legislation requires that DTSC adopt new waste codes that meet specific requirements as identified below. The proposed draft regulations fulfill in part the requirement of Health and Safety Code section 25175, subdivision (a)(3), to establish a procedure to verify that hazardous wastes identified as recyclable have been recycled and not disposed of.

The proposed draft regulations would change the California Hazardous Waste Code system requirements for regulated hazardous waste. Waste codes are used to identify different waste types. Currently, waste codes are used on shipping manifests, containers, and for reporting purposes. The existing waste codes are for both general and specific waste types. Often hazardous waste can be described by more than one waste code; however, there is no guidance for the selection of a specific code.

The proposed draft regulations would change existing regulations in several ways. The proposed draft regulations would delete most of the existing codes and replace them with more specific waste codes. The proposal would require that a specified hierarchy be used in selecting a waste code. The proposal would also require that a specific hierarchy be used in selecting waste codes when more than one waste code applies to the specific hazardous waste.

By changing the waste codes used for reporting purposes, the type of information provided by the waste codes would change. The new codes would provide better information on the criteria that cause the waste to be hazardous. The new codes would improve information on specific waste types and wastes requiring special management. In addition, the new codes would also provide information on large volume waste streams. The new codes, however, could not be directly matched to the current codes, and therefore, some information on hazardous waste would no longer be collected. The new codes would also require generators and facilities to recode their wastes. Generators and facilities that use a computer system to store or track information on codes may have to reprogram them. At a minimum, generators and facilities would have to retain more documentation on how they determine their waste codes.

Questions for Discussion During Workshop

Are there any implementation issues with the proposed draft regulations?

Is the language which allows facilities to operate without modifying their permit workable?

Are there any conflicts with the new manifest requirements which went into effect this September 2006?

RCRA Hazardous Waste will be required to use a California Hazardous Waste Code in addition to the RCRA Hazardous Waste Code. Are there any potential problems with this approach?

The proposed draft regulatory language includes a provision to allow the Department to assign new codes to specific waste without changing existing regulations. It is envisioned these new codes would be assigned to assist the Department in assessment of impacts for special projects. The subsection in the draft proposed regulations is 66261.127 (b)(2). Is this provision workable?

Are the definitions clear and appropriate?

Should the implementation date for these regulations start on January 1st or at least 6 months after adoption?

The draft proposal uses alpha characters at the beginning of the code. Could the alpha character be at the end instead?

Are there any other recommendations that should be considered before the official Public Notice for these regulations is issued?

Additional Workshop Information

To ensure that all identified issues are discussed and that all unanticipated issues are given an opportunity for discussion, DTSC proposes that the workshop discussions be scheduled in accordance with the attached draft agenda.

***Please note that while all effort will be made to adhere to the schedule, discussions will be conducted in an open forum format. Because many discussion issues are interrelated, topics may be introduced out of order. Attendees should be available for the duration of the workshop to insure their inclusion in topics of interest.

If you are unable to attend, the workshop may be monitored live via audio webcast. The broadcast link will be available on the Cal/EPA website at <http://www.calepa.ca.gov/broadcast/>. Questions and comments may be submitted in real time by sending an e-mail to gmurchis@dtsc.ca.gov. DTSC staff will monitor e-mails and, as time allows, read them aloud. All questions and comments submitted via e-mail will be considered in the development of Waste Code regulations.

Or you can attend the video conference link at DTSC Glendale Office, 1011 N. Grandview Avenue, Glendale, California, 91201-2205. For more directions call (818) 551-2800.

The draft proposed regulations and the text of the statute requiring the revision of the hazardous waste is available on the DTSC website found at http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/WasteCodes_reg.cfm. Additional information regarding this proposal, including comments from the workshops, will be posted as information becomes available. DTSC strongly recommends that interested parties subscribe to an email list (listserv) in order to receive notices and information by email. Subscription may be made at <http://www.calepa.ca.gov/Listservs/dtsc/>.

Travel information is available at <http://www.calepa.ca.gov/EPAldg/Location.htm>. To request special accommodations for persons with disabilities, please contact contact Gary Murchison at (916) 322-0807 or gmurchis@dtsc.ca.gov.

Notice to Hearing Impaired: to obtain additional information, use the California State Relay Service at 1-888-877-5378 (TDD). Ask them to contact Gary Murchison at (916) 322-0807.

For more information on the draft proposal for Waste Code Revision, please contact Mr. Gary Murchison at (916) 322-0807 or by email at gmurchis@dtsc.ca.gov. Written comments should be mailed by December 15, 2006 to:

Department of Toxic Substances Control
Attn: Gary Murchison – Waste Code Regulation Workshop Comments
P.O. Box 806
Sacramento, California 95812-0806

Draft Agenda

- **Introductions**
- **WC Revision Overview**
- **WC Revision: Scope and Applicability,
Requirements of Statute,
Waste Codes new and old,
Selection Process, and
Recordkeeping**
- **Break**
- **Implementation,**
- **Permitted Facilities,**
- **Transition**
- **Parking Lot Issues**
- **Workshop Concludes**